

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALANA HOSICK,

*

Plaintiff

*

v.

*

CIVIL NO. JKB-15-3402

CATALYST IT SERVICES, INC.,

*

Defendant

*

* * * * *

MEMORANDUM

Plaintiff Alana Hosick sued Catalyst IT Services, Incorporated (“Catalyst”), in the United States District Court for the District of Oregon, alleging Catalyst, her then-employer, had failed to pay her wages in accordance with the federal Fair Labor Standards Act and Oregon’s similar statute. (Compl., ECF No. 1.) Upon Catalyst’s motion, the court granted a change of venue to this Court. (ECF Nos. 18, 19.) Thereafter, Catalyst filed its answer (ECF No. 22), and a scheduling order was entered on December 18, 2015 (ECF No. 25). No attorney ever entered an appearance for Hosick after the suit was transferred to this Court.

On February 5, 2016, Catalyst filed a Suggestion of Death, noting Hosick’s death on January 17, 2016. (ECF No. 26.) Hosick’s mother was served with this notice on February 13, 2016. (Teare Aff. ¶ 4, May 3, 2016, ECF No. 29.) Hosick’s husband was served with the notice on April 28, 2016. (Teare Aff. ¶ 7, June 21, 2016, ECF No. 31.)

Pursuant to Federal Rule of Civil Procedure 25(a)(1),

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made

within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Catalyst has fulfilled its responsibility of service of the Suggestion of Death upon Hosick's next of kin. No one has filed a motion for substitution within 90 days of service as required under Rule 25(a)(1) and, therefore, the case must be dismissed. A separate order will issue.

DATED this 29th day of July, 2016.

BY THE COURT:

/s/
James K. Bredar
United States District Judge

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* * * * * * * * * * *

ORDER

In accordance with the foregoing memorandum, IT IS HEREBY ORDERED: This case is DISMISSED. The Clerk shall mail a copy of this order and the accompanying memorandum to Mr. Belal Mansour, 18755 SW 99th Ave., Apt. 333, Tualatin, OR 97062-7564, which is the last known address for Plaintiff's husband. The Clerk shall CLOSE the case.

DATED this 29th day of July, 2016.

BY THE COURT:

/s/
James K. Bedar
United States District Judge